

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANIEL ALLEN GOSSARD,

CIVIL CASE NO. 05-40267

Petitioner,

v.

HONORABLE PAUL V. GADOLA
U.S. DISTRICT JUDGE

THOMAS K. BELL,

Respondent.

/

ORDER ACCEPTING REPORT AND RECOMMENDATION

Before the Court is Petitioner's "Petition for Writ of Habeas Corpus," filed August 25, 2005.

Also before the Court is the report and recommendation of the Honorable Paul J. Komives, United States Magistrate Judge. The Magistrate Judge's forty-two page report and recommendation recommends that this Court dismiss Petitioner's petition for writ of habeas corpus. The Magistrate Judge served the report and recommendation on all parties on July 7, 2006 and notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendation.

The Court's standard of review for a Magistrate Judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions,

under a de novo or any other standard, when neither party objects to those findings.” *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Since neither party has filed objections to the report and recommendation, the Court need not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the report and recommendation [docket entry 21] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.
IT IS FURTHER ORDERED that Petitioner’s Petition for Writ of Habeas Corpus [docket entry 1] is **DENIED**.

SO ORDERED.

Dated: August 23, 2006

s/Paul V. Gadola

HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 23, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Debra M. Gagliardi, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Daniel Gossard.

s/Ruth A. Brissaud

Ruth A. Brissaud, Case Manager
(810) 341-7845